

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
February 20, 2001

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:02 p.m., Tuesday, February, 2001, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, and James S. Burgett.

Mr. Ashe was absent.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Invocation. Dr. Solomon M. Wesley, St. John Baptist Church, gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Burgett led the Pledge of Allegiance.

HIGHWAY MATTERS

Mr. Quintin Elliott, Resident Engineer, Virginia Department of Transportation, (VDOT), appeared to discuss highway matters of interest to the Board of Supervisors. He stated he had no new information to report but offered to answer the Board's questions.

Mrs. Noll asked about the status of her email request regarding signage in the Kiln Creek area.

Mr. Elliott stated he had assigned that inquiry to another resident and would check on its status.

Mr. Zarembo asked when the new flyover on I-64 near the Busch Gardens entrance would be completed.

Mr. Elliott explained that because of bankruptcy problems with suppliers and contractors, the completion of the project had been delayed.

Mr. Wiggins mentioned the areas of Wolf Trap, Goodwin Neck, and Hornsbyville Roads where pipe has been placed along the roads limiting the road access, and he asked Mr. Elliott to look into the matter.

Mr. Burgett stated he was pleased with the paving schedule, and he asked to have Yorkshire Drive placed on the next schedule .

PRESENTATIONS

EMPLOYEE RECOGNITION PROGRAM

Chairman Burgett, along with Mr. Tom Ashe from the Department of General Services, congratulated Mr. Scott Laney for having attained 20 years of service with the County. Mr. Laney was then presented with a 20-year service pin and certificate.

CITIZEN OPINION SURVEY

Ms. Jeannine Perry, representative of Continental Research Associates, Inc., appeared to present the results of the latest citizen's opinion survey. She explained how the results were obtained and displayed the percentages of citizens' satisfaction which indicated that the survey indicated very favorable results. The results from the year 2000 survey were significantly improved over the 1998 survey in several ways. Items that had improved significantly were:

- The public library's building and facilities
- The appearance of County government office buildings and their properties
- The materials available in the library and their programs
- York County's law enforcement services
- The courtesy and helpfulness of County employees
- The convenience of obtaining most County services
- The adult recreation programs or leagues
- The value received for the tax dollar in York County
- The enforcement of codes relating to high grass and weeds
- The enforcement of codes relating to junk vehicles and junkyards
- The appearance of major County roads

Ms. Perry indicated there were no significant declines in the year 2000, which further affirmed that York County was providing good value to its taxpayers and that resident satisfaction continued to be a high priority for the County.

DRAINAGE COMMITTEE

Mr. Donald Wiggins, Chairman of the Drainage Committee, introduced Ms. Beth Lale to report on the committee's findings.

Ms. Lale reported she had spoken with homeowners in several subdivisions in the County and felt that lack of maintenance was one of the causes of drainage problems. She suggested having ditches and culverts cleaned out to eliminate some of the drainage problems. She also suggested the County work with developers to insure that future developments have adequate drainage.

Mr. Brian Woodward, Chief of Utilities/Stormwater, made a visual presentation of the results of the Drainage Committee's findings and their recommendations. He indicated the committee had monthly meetings that commenced in June of last year to discuss the problems and issues and to set priorities on the areas needing maintenance. The committee discussed the rating criteria established by the Board of Supervisors, funding for the needed projects, the County's current maintenance program, easements, and design standards.. The Drainage Committee found that the criteria established by the Board was fair and reasonable and rec-

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ommended no changes. Mr. Woodward then reviewed the following projects identified by the committee:

Moores Creek Outfall
 Homestead BMP—Big Bethel Road
 Tabb Lakes
 Edgehill East Outfall
 Edgehill (Northeast Section)
 Cook Road/Falcon Road Area
 Rich Acres/2827 Route 17
 Foxwood/Darby Firby Road
 Brandywine
 Kiln Creek (Lake 8 Area)
 Kiln Creek—Hollingsworth Court
 Coventry—Tui Place
 Ella Taylor—(Lee's Village)
 Greensprings Waller Mill Area
 Mt. Vernon School
 Terrebonne

The committee proposed the following funding sources for the drainage projects:

General Fund	\$100K/Year
Meals Tax	\$290K/Year

Based on current funding and resources, the projected schedule for the projects would cover a 10-year period. The committee recommended additional funding be provided to support a three-year schedule. Mr. Woodward then discussed a maintenance program and indicated the committee recommended a 12-month program. It also recommended that the same procedure utilized for the acquisition of sanitary sewer easements be used for needed drainage easements. He discussed the design standards and noted the committee recommended that the staff continue to draft more stringent design requirements for the Board to consider.

HEALTH BENEFITS FOR RETIREES

Mr. Earl Joyner, Department of Fire and Life Safety, gave a presentation on the merits of offering health care benefits to employees after retirement. He made comparisons with several local jurisdictions as to what they offer to retired employees. He urged the Board to form a committee to study the advantages of offering benefits to its retirees, and asked that those recommendations be considered for the FY2003 budget.

By consensus the Board agreed to form a committee to study the merits of medical benefits offered to the retirees.

CITIZENS COMMENT PERIOD

Mr. Junior Coxton, 409 Old Wormley Creek Road, spoke in favor of health care benefits offered to the County's retirees and urged the Board to offer some type of packaged health care benefits to its retirees.

J. D. Diggs, Sheriff of York County, read a letter from Delegate Jo Ann Davis in support of the County's employees being offered a benefit package upon retirement. Ms. Davis' letter suggested that those benefits would keep the County competitive with the surrounding localities.

Meeting Recessed. At 7:55 p.m. Chairman Burgett declared a short recess.

Meeting Reconvened. At 8:04 p.m. the meeting was reconvened in open session by the Chair.

PUBLIC HEARINGS

VACATION OF WATERLINE EASEMENT

Mr. James Barnett, County Attorney, made a presentation on proposed Resolution R01-25 to authorize the execution of an instrument vacating a County waterline easement across property owned by James York Plaza, L.L.C.

Chairman Burgett called to order a public hearing on proposed Resolution R01-25 which was duly advertised as required by law and is entitled:

A RESOLUTION TO AUTHORIZE EXECUTION OF AN INSTRUMENT
VACATING A COUNTY WATERLINE EASEMENT ACROSS PROP-
ERTY OWNED BY JAMES YORK PLAZA, L.L.C.

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R01-25 which reads:

A RESOLUTION TO AUTHORIZE EXECUTION OF AN INSTRUMENT
VACATING A COUNTY WATERLINE EASEMENT ACROSS PROP-
ERTY OWNED BY JAMES YORK PLAZA, L.L.C.

WHEREAS, by deed dated June 5, 1967, recorded in the Clerk's Office of the Circuit Court for the County of York, Virginia, in Deed Book 204, page 874, the York County Board of Supervisors was granted a 10' waterline easement across property now owned by James York Plaza, L.L.C. and designated as Parcel A, as shown on a plat entitled "Plat of Easement Vacation to: James-York Plaza, L.L.C., a Virginia limited liability company, From: County of York, Virginia, Project: Mini-Storage Buildings, Bruton District - County of York, Virginia," dated December 12, 2000, made by The Sirine Group, Ltd., which plat is attached to the County Attorney's report to the Board dated February 2, 2001; and

WHEREAS, James York Plaza, L.L.C., the owner of the subject property, has requested that the easement be vacated as shown on the plat.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of February, 2001, that the County Administrator be, and is hereby authorized, for and on behalf of the Board, to execute an instrument vacating the said 10' waterline easement as described therein, such instrument to be approved as to form by the County Attorney.

On roll call the vote was:

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Yea: (4) Zaremba, Noll, Wiggins, Burgett
Nay: (0)

APPLICATION NO. UP-565-01, MILES C. AND MAE H. BURCHER

Mr. Tim Cross, Senior Planner, gave a presentation on Application UP-565-01 to approve a use permit authorizing a 760-square-foot accessory apartment in conjunction with a single-family detached dwelling located at 600 Patricks Creek Road. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R01-21.

Chairman Burgett called to order a public hearing on proposed Resolution R01-21 which was duly advertised as required by law and is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO
AUTHORIZE AN ACCESSORY APARTMENT IN CONJUNCTION
WITH A SINGLE-FAMILY DETACHED DWELLING AT 600 PATRICKS CREEK ROAD

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mr. Zaremba voiced his concerns about the possibility of the apartment being rented in the future.

Mr. Cross stated the conditions were such that the apartment could not be rented separate from the house.

Mrs. Noll then moved the adoption of proposed Resolution R01-21 which reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO
AUTHORIZE AN ACCESSORY APARTMENT IN CONJUNCTION
WITH A SINGLE-FAMILY DETACHED DWELLING AT 600 PATRICKS CREEK ROAD

WHEREAS, Miles C. Burcher and Mae H. Burcher have submitted Application No. UP-565-01 to request a special use permit, pursuant to Section 24.1-407(c) of the York County Zoning Ordinance, to authorize an accessory apartment in conjunction with a single-family detached dwelling on property located at 600 Patricks Creek Road and further identified as Assessor's Parcel No. 30-(9)-5; and

WHEREAS, said application has been referred to the York County Planning Commission; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application in accordance with applicable procedure; and

WHEREAS, the Board of Supervisors has carefully considered the public comments, Planning Commission recommendation, and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of February, 2001, that Application No. UP-565-01 be, and it is hereby, approved, subject to the following conditions:

1. This use permit shall authorize an accessory apartment in conjunction with a single-family detached dwelling on property located at 600 Patricks Creek Road and further identified as Assessor's Parcel No. 30-(9)-5.
2. Building plans in substantial conformance with the preliminary floor plans and building renderings dated December 5, 2000, submitted by the applicant shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the commencement of any construction activities on the site.
3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.
4. The accessory apartment unit shall not contain in excess of 760 square feet.
5. The accessory apartment unit shall contain no more than one (1) bedroom.
6. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.
7. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.
8. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (4) Noll, Wiggins, Zaremba, Burgett
Nay: (0)

APPLICATION NO. UP-566-01, KING'S CREEK PLANTATION, L.L.C.

Mr. Cross made a presentation on Application UP-566-01 to approve a use permit authorizing the construction of a lodge-style structure housing 90 two-bedroom timeshare units as part of a previously approved 1,100-unit timeshare development. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R01-22.

Chairman Burgett called to order a public hearing on proposed Resolution R01-22 which was duly advertised as required by law and is entitled:

A RESOLUTION TO APPROVE A MAJOR AMENDMENT TO AN EXIST-
ING SPECIAL USE TO PERMIT LODGE STYLE STRUCTURES AT THE
KING'S CREEK PLANTATION TIMESHARE RESORT

Mr. Billie Millner, attorney representing of the applicant, appeared before the Board to answer any questions the Board might have. He reiterated that the proposal was recommended by the Planning Commission and staff, and he urged the Board to vote in favor of the application.

Mr. Zaremba questioned the term "lodge-style" structure.

Mr. Kevin Jones, a representative of King's Creek Plantation, stated King's Creek had changed its marketing strategies, and the lodge-style description of the housing was used for marketing purposes.

There being no one else present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mr. Wiggins then moved the adoption of proposed Resolution R01-22 which reads:

A RESOLUTION TO APPROVE A MAJOR AMENDMENT TO AN EX-
ISTING SPECIAL USE TO PERMIT LODGE STYLE STRUCTURES AT
THE KING'S CREEK PLANTATION TIMESHARE RESORT

WHEREAS, King's Creek Plantation, L.L.C., has submitted Application No. UP 566-01, which requests an amendment to an existing special use permit pursuant to Section 24.1-115(d) of the York County Zoning Ordinance, to authorize the construction of a "lodge style" structure housing ninety (90), two (2)-bedroom timeshare units as part of a previously approved 1,100 unit timeshare development located along Route 199 across from its intersection with Penniman Road, and further identified as Assessor's Parcel No.11-(22)-1A; and

WHEREAS, said application has been referred to the York County Planning Commission; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the Board of Supervisors has conducted a duly advertised public hearing on this application in accordance with applicable procedure; and

WHEREAS, the Board has carefully considered the public comments, Planning Commission recommendation, and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of February, 2001, that Application No. UP-566-01 be, and it is hereby, approved to authorize the construction of a "lodge style" structure housing ninety (90) two (2)-bedroom timeshare units as part of a previously approved 1,100 unit timeshare development, subject to the following conditions:

1. This use permit shall authorize the establishment of a "lodge style" structure housing ninety (90), two (2)-bedroom timeshare units at King's Creek Plantation timeshare resort located along Route 199 across from its intersection with Penniman Road, and further identified as Assessor's Parcel No. 11-(22)-1A .
2. A site plan prepared in accordance with Article V of the York County Zoning Ordinance shall be approved prior to obtaining permits for site and building construction. Said site plan shall be in substantial conformance with the conceptual plan entitled "King's Creek Plantation Phase 1-SPE Conceptual Plan" and dated January 31, 2001.
3. The "lodge style" structure shall not exceed the height limitations established in the Zoning Ordinance for the Economic Opportunity district.
4. Nothing in this use permit shall be construed to permit an increase in the number of the 1,100 timeshare units previously approved by the Board of Supervisors.
5. The applicant shall be responsible for compliance with the regulations in Section 24.1-115(b)(6) of the Zoning Ordinance that pertain to the recordation of this resolution in the office of the Clerk of the Circuit Court.

On roll call the vote was:

Yea: (4) Wiggins, Zaremba, Noll, Burgett
 Nay: (0)

APPLICATION NO. UP-567-01, SHARON E. DIRMEYER, DVM

Mr. Cross made a presentation on Application UP-567-01 to consider adoption of proposed Resolution R01-23 to approve a use permit authorizing the establishment of a veterinary hospital without outside runs on a 1.64-acre parcel located at 329 Hampton Highway. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R01-23.

Chairman Burgett called to order a public hearing on proposed Resolution R01-23 which was duly advertised as required by law and is entitled:

A RESOLUTION TO APPROVE AN APPLICATION FOR A SPECIAL
 USE PERMIT TO AUTHORIZE A VETERINARY CLINIC WITHOUT
 OUTSIDE RUNS AT 329 HAMPTON HIGHWAY

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mr. Zaremba asked why no outside runs were included in the hospital plan.

Ms. Sharon Dirmeyer, the applicant, explained that many veterinary hospitals were now utilizing indoor runs or exercise areas which eliminated the need for outdoor runs.

Mrs. Noll then moved the adoption of proposed Resolution R01-23 which reads:

A RESOLUTION TO APPROVE AN APPLICATION FOR A SPECIAL
USE PERMIT TO AUTHORIZE A VETERINARY CLINIC WITHOUT
OUTSIDE RUNS AT 329 HAMPTON HIGHWAY

WHEREAS, Sharon E. Dirmeyer, D.V.M., has submitted Application No. UP-567-01, which requests a special use permit, pursuant to Section 24.1-306 [category 2, number 7(a)] of the York County Zoning Ordinance, to establish a veterinary clinic without outside runs on a 1.64-acre parcel located at 329 Hampton Highway approximately 1,100 feet north of the intersection of Hampton Highway (Route 134) and Victory Boulevard (Route 171) and further identified as Assessor's Parcel No. 37-53; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of the application; and

WHEREAS, the Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has given careful consideration to the public comments, Planning Commission recommendation, and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of February, 2001, that Application No. UP-567-01 be, and it hereby is, approved to authorize a special use permit, pursuant to Section 24.1-306 [category 2, number 7(a)] of the York County Zoning Ordinance, to establish a veterinary clinic without outside runs on a 1.64-acre parcel located at 329 Hampton Highway approximately 1,100 feet north of the intersection of Hampton Highway (Route 134) and Victory Boulevard (Route 171) and further identified as Assessor's Parcel No. 37-53, subject to the following conditions:

1. This special use permit shall authorize the establishment of a veterinary clinic without outside runs on a 1.64-acre parcel located at 329 Hampton Highway approximately 1,100 feet north of the intersection of Hampton Highway (Route 134) and Victory Boulevard (Route 171) and further identified as Assessor's Parcel No. 37-53.
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any land clearing or construction activity on the subject parcel. Said site plan shall be in substantial conformance with the sketch plan submitted by the applicant to the York County Planning Division on November 29, 2000, supplemented by a letter submitted by the applicant dated November 29, 2000.
3. The project shall be designed to provide a single access from Hampton Highway to serve all future development on the parcel. Subsequent subdivision of the parcel shall not be reason to authorize additional access points.
4. Freestanding signage shall be limited to a single monument-style sign with a maximum area of thirty-two (32) square feet.
5. In accordance with the provisions of Section 24.1-245 of the Zoning Ordinance, a thirty-five foot (35') greenbelt buffer shall be preserved along the front property line of the subject

- parcel adjacent to Hampton Highway. Said buffer shall be augmented with additional plantings designed to achieve, at a minimum, the planting ratios for a twenty-foot (20') front landscape yard along the front property boundary adjacent to the Hampton Highway right-of-way.
6. The veterinary clinic shall be adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other properties or uses in the area.
 7. All animals shall be kept in pens or other enclosures designed and maintained for secure confinement.
 8. A waste management plan which ensures sanitary handling of animal wastes and prevents contamination or pollution of adjacent lands or water bodies shall be submitted to and approved by the Zoning Administrator prior to establishment of the vet clinic.

On roll call the vote was:

Yea: (4) Zaremba, Noll, Wiggins, Burgett
 Nay: (0)

CITIZEN'S COMMENTS (continued)

Mr. Bruce Campbell, 108 Westminster Drive, representative of Banbury Cross Homeowners' Association, voiced concerns over the sewer and water extension for the proposed Burke Development. He stated the County had not spent adequate time considering this proposal, and he encouraged the Board to delay any action on the matter at this time.

Mr. Steven Oyer, 305 Sonshine Way, appeared to discuss drainage problems and suggested the money the County intended to use to purchase property be diverted to the Stormwater Management Fund. He also expressed concerns with street lighting in the County.

Mr. Sonny Forbes, 110 Buckingham Drive, spoke in favor of marinas having restaurant facilities. He stated he would like to be able to dine on the water without having to go to Virginia Beach or Gloucester.

Mr. Terry Phillips, 111 Buckingham Drive, also spoke in favor of having restaurants located at marinas.

Mr. Nile Eddy, 116 Buckingham Drive, was opposed to amending the ordinance that would limit an increase in restaurant structures at marinas.

Mr. Jim Strong, 8 Rue De Grass, Poquoson, voiced his opposition to zoning ordinances that would limit restaurants at marinas. He stated he was the owner of a small marina in Poquoson, and he was against having a decision made on marina restaurants at this time.

Mr. Kris Kuck, 122 August Drive, stated if the zoning ordinance language was changed regarding eating establishments at marinas, it would send a message to developers not to come to the County since the rules could change at any time. He stated restaurants at marinas would require better safety measures and would improve maintenance of their facilities. He felt it would be better for marinas to have restaurants rather than boat repair facilities or crab and fish processing plants. He urged the Board not to vote on this issue at this time.

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Mr. Daniel Comber, 121 Penn Drive, spoke in opposition to the proposed Burke development and asked the Board to take a closer look at what was projected for that area. He requested a delay in the decision until the matter could be researched.

Mr. Gerry DeWitt, 142 Quaker Meeting House Road, stated he felt some people were naïve about what was going on with the proposed Burke Development. He asked the Board to delay voting on the issue until the matter could be further researched.

Mr. Carl Siebert voiced his concerns regarding the Burke development and the massive traffic congestion that the development would cause. He urged the Board to wait before voting on the matter.

Mr. Peter Mellette, 125 Turwell Court, spoke regarding the Burke development and expressed his opposition to what was being proposed. He requested that more time be spent looking over the proposal.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett briefed the Board on several bills before the General Assembly. HB1969 passed in the House and Senate which regulates carrying firearms on public property. HB2712 passed the House and is in the Senate regarding overtime for firefighters and emergency medical technicians. HB2850 passed which is the annexation bill for the current annexation moratorium. He also announced that his office and the Human Resources Office would be conducting a legal seminar on Saturday, February 24, 2000.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reported on a meeting he attended at the Peninsula Airport Commission regarding the Aviation World's Fair and the possibility of the fair being held on the Peninsula. He reported that the Virginia Department of Corrections Compliance Audit for the Virginia Peninsula Regional Jail indicated the facility was 100 percent in compliance. He stated that staff had met with VDOT regarding available funds that might be used to enhance traffic flow on Route 17. He reminded the Board there would be a joint meeting with the School Board on February 21, 2001, at the conference center behind the School Board Office next to Dare Elementary School.

Mrs. Noll wanted to confirm with VDOT that it would not be widening Route 17 beyond York High School.

Mr. Carter confirmed that a verbal agreement was reached with VDOT to forego widening that area; however, the agreement was reached so late in the process that VDOT was unable to change the plan that had been adopted.

Mrs. Noll asked that the agreement be obtained in writing.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll reported on attending a celebration retirement party for Reverend Holmes from Shiloh Baptist Church and Rising Sun Church. She also noted she was the Chairman of a sub-committee for the 2007 Celebration and discussed how communities may become Certified Communities.

Mr. Wiggins discussed eating facilities at marinas, explaining that the Board was in the process of defining the criteria for them. He also mentioned "No Wake" zones and stated they were in place for the benefit of both marinas and residences. He indicated that once a watercraft was beyond the No Wake area, it could operate in an enjoyable manner as long as it wasn't endangering lives.

Mr. Zaremba mentioned the Board was in the process of developing the 2002 budget. He discussed a meeting the Board of Supervisors had conducted with the School Board involving contractors who felt they could perform some of the School Board's grounds maintenance needs at a lower cost. He stated the Board always had the best interests of the citizens regarding development, and not the best interests of the developer. He reiterated the results of the County survey, stating that York County was certainly a great place to live in.

Chairman Burgett stated he had attended the grand reopening of the York Library, and he was very proud of the renovations. He stated he would be attending a breakfast sponsored by the York County Office of Economic Development on Thursday, February 22, 2001. He applauded Mr. Bill Parker for his excellent article in Citizen News on growth in the County. He also thanked Mr. Jim Barnett for all of his work on the annexation issue, and he expressed his appreciation to Delegate Melanie Rapp who was instrumental in getting the bill through the General Assembly.

CONSENT CALENDAR

Mr. Zaremba asked that Item No. 6 be removed from the Consent Calendar.

Mr. Wiggins asked that Item No. 7 be removed from the Consent Calendar.

Mrs. Noll then moved that the Consent Calendar be approved as amended, Item Nos. 5, 8, 9, and 10, respectively.

On roll call the vote was:

Yea:	(4)	Zaremba, Noll, Wiggins, Burgett
Nay:	(0)	

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 5. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

January 23, 2001, Adjourned Meeting
February 6, 2001, Regular Meeting

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Item No. 8. APPROPRIATION OF ADDITIONAL FUNDING FROM THE STATE COMPENSATION BOARD: Resolution R01-24.

A RESOLUTION TO APPROPRIATE ADDITIONAL FUNDING FROM
THE STATE COMPENSATION BOARD TO PURCHASE VIDEO
EQUIPMENT FOR THE COMMONWEALTH'S ATTORNEY'S OFFICE

WHEREAS, the State Compensation Board has notified the County that for Fiscal Year 2001 additional funding of \$3,886 has been approved for the Commonwealth's Attorney's Office to purchase video equipment;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of February, 2001, that \$3,886 be, and hereby is, appropriated in the General Fund for the purchase of video equipment for the Commonwealth's Attorney's Office.

Item No. 9. PURCHASE AUTHORIZATION: Resolution R01-26.

A RESOLUTION TO AUTHORIZE PURCHASE OF LUMINAIRES,
LAMPPOSTS AND LADDER RESTS

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurements are necessary and desirable, that they involve the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of February, 2001, that the County Administrator be, and hereby is, authorized to conclude procurement arrangements for the following:

	<u>AMOUNT</u>
Luminaires	\$33,395
Lampposts and Ladder Rests	\$73,933

ITEM NO. 10. YORKTOWN VILLAGE ACTIVITY DISTRICT ACCESSORY STRUCTURE APPROVAL: Resolution R01-31.

A RESOLUTION TO APPROVE THE REQUEST OF DIANNE BUR-
CHER FOR THE RECONSTRUCTION AND EXPANSION OF AN AC-
CESSORY STORAGE SHED ON PROPERTY LOCATED AT 107 PU-
LASKI STREET IN YORKTOWN

WHEREAS, Dianne Burcher has submitted an application requesting permission to install an accessory storage shed on property located at 107 Pulaski Street in Yorktown; and

WHEREAS, pursuant to Section 24.1-327(b)(3) of the York County Zoning Ordinance, such requests may be approved by the Board of Supervisors by resolution; and

WHEREAS, the Board has determined that the location and design of the proposed shed will be compatible with adjacent properties and structures.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of February, 2001, that the request of Dianne Burcher for the installation of an accessory storage shed on property located at 107 Pulaski Street, as described in the County Administrator's report to the Board dated February 5, 2001, be, and it is hereby, approved.

Item No. 6. HISTORIC YORKTOWN BEACH TRAIL GRANT: Proposed Resolution R01-32. (Removed from the Consent Calendar)

Mr. Zaremba stated he was impressed with this grant and asked for a more detailed description of the item.

Mr. Kraus presented aerial photographs of the shoreline and discussed renovations to be made with the grant funding.

Mr. Zaremba then moved the adoption of proposed Resolution R01-32 which reads:

A RESOLUTION TO ACCEPT AND APPROPRIATE A GRANT FROM
THE VIRGINIA LAND CONSERVATION FOUNDATION AND
AUTHORIZE THE COUNTY ADMINISTRATOR TO SIGN A PROJECT
AGREEMENT AND ACQUIRE NECESSARY PROPERTY FOR THE
HISTORIC YORKTOWN BEACH TRAIL

WHEREAS, York County has received notification that it will receive a grant in the amount of \$117,500 from the Virginia Land Conservation Foundation for the purpose of acquiring property needed for the Historic Yorktown Beach Trail project; and

WHEREAS, the Beach Trail project is a major part of a comprehensive riverwalk project that will provide continuous pedestrian linkage extending along the York River in historic Yorktown as well as provide pedestrian access to and between the Colonial National Historical Park and the Yorktown Victory Center;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 20th day of February, 2001, that the County Administrator be, and hereby is, authorized to accept the grant awarded by the Virginia Land Conservation Foundation in the amount of \$117,500.

BE IT FURTHER RESOLVED that \$117,500 be, and hereby is appropriated in the Yorktown Capital Improvements Fund to acquire property for the Historic Yorktown Beach Trail.

BE IT STILL FURTHER RESOLVED that the County Administrator or his designee be, and hereby is, authorized to execute a project agreement in a form approved by the County Attorney.

BE IT FURTHER RESOLVED that the County Administrator be, and he hereby is, authorized to acquire property in Yorktown needed for the Historic Yorktown Beach Trail and to procure services and to do all things necessary associated with the acquisition of property for said project without further action by this Board, provided that the total cost of said purchases shall not exceed available funding.

February 20, 2001

On roll call the vote was:

Yea: (4) Noll, Wiggins, Zaremba, Burgett

Nay: (0)

Item No. 7. YORK HALL ISSUES: Proposed Resolution R01-36. (Removed from the Consent Calendar)

Mr. Wiggins inquired about the basement layout in York Hall and reported concerns expressed by the Historical Committee regarding the safety of its artifacts.

Mr. Carter explained the layout of the basement floor of the building, and he stated that staff was still working out details with the Historical Committee.

Mr. Wiggins then moved then moved the adoption of proposed Resolution R01-36 which reads:

A RESOLUTION TO APPROVE THE EXPENDITURE OF UP TO \$6,000
FROM THE CONTINGENCY RESERVE TO BE USED IN IMPLEMENT-
ING THE PLANS FOR USE AND OCCUPANCY OF YORK HALL

WHEREAS, in accordance with direction provided by the Board of Supervisors, the staff has been working to implement various aspects of the proposed York Hall use and occupancy plan; and

WHEREAS, funds are needed to obtain property appraisals associated with the proposal for the On-the-Hill Gallery property transfer/lease and to purchase furnishings for the shared storage space in the basement of York Hall, as outlined in the County Administrator's report to the Board dated February 7, 2001;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of February, 2001, that the expenditure of \$6,000 from the Contingency Reserve be, and hereby is, authorized for the purpose of implementing the plans for the use and occupancy of York Hall as described in the County Administrator's report to the Board dated February 7, 2001.

On roll call the vote was:

Yea: (4) Wiggins, Zaremba, Noll, Burgett

Nay: (0)

NEW BUSINESS

PUBLIC WATER AND SEWER EXTENSION AGREEMENTS—BURKE DEVELOPMENT.

Mr. John Hudgins, Director of Environmental and Development Services, made a presentation on proposed Resolution R01-30 to authorize the execution of off-site public water and sewer extension agreements for the proposed Burke development consisting of 35 single-family detached residences and a private school.

Mr. Zaremba asked about savings to the County.

Mr. Hudgins explained the County would pay \$130,000 and the developer would be responsible for the remaining fees.

Mr. Zaremba suggested the Board table the matter until a later date to gather more information for the citizens.

Mr. Hudgins stated it would not be detrimental to the County.

CLOSED MEETING. At 10:06 p.m. Mr. Wiggins moved that the meeting be convened in Closed Meeting pursuant to Section 2.1-344(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions; Section 2.1-344(a)(3) pertaining to the acquisition of real property for a public purpose.

On roll call the vote was:

Yea: (4) Zaremba, Noll, Wiggins, Burgett
Nay: (0)

Meeting Reconvened. At 10:17 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED MEET-
ING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of February, 2001, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (4) Noll, Wiggins, Zaremba, Burgett
Nay: (0)

February 20, 2001

APPOINTMENT TO THE VIRGINIA PENINSULA REGIONAL JAIL AUTHORITY

Mrs. Noll moved the adoption of proposed Resolution R01-38 which reads:

A RESOLUTION TO APPOINT A YORK COUNTY MEMBER TO THE
VIRGINIA PENINSULA REGIONAL JAIL AUTHORITY

WHEREAS, Daniel M. Stuck, former York County Administrator, served as York County's representative on the Virginia Peninsula Regional Jail Authority until his resignation January 15, 2001;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 20th day of February, 2001, that James O. McReynolds, York County Administrator, be and he is hereby, appointed as York County's representative to the Virginia Peninsula Regional Jail Authority effective immediately.

On roll call the vote was:

Yea: (4) Wiggins, Zaremba, Noll, Burgett
Nay: (0)

Meeting Adjourned At 10:22 p.m. Chairman Burgett declared the meeting adjourned to 7:30 p.m., Wednesday, February 21, 2001, in the Conference Center of the School Board Office, for the purpose of conducting a joint work session.

James O. McReynolds, Clerk
York County Board of Supervisors

James S. Burgett, Chairman
York County Board of Supervisors